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To: Microsoft ATR
Date: 12/30/01 2:09pm
Subject: please reject proposed settlement

The proposed settlement with Microsoft, in its current form, will in my view do practically nothing to remedy the behaviors for which Microsoft was brought to justice in the first place. I urge you to withdraw the proposed settlement and implement the penalties that were imposed upon Microsoft by Judge Jackson in the first place.

Before I comment any further about the actual settlement proposal, I should start by saying that I am totally baffled as to how a convicted illegal monopolist found to violate the Sherman AntiTrust laws in at least three or four instances is in a position to negotiate with the United States government. I have never heard of any other criminal who has been found guilty negotiating their own punishment. Furthermore, what kind of punishment is it when the convicted party gets to select two of those who are tasked with overseeing its compliance with its punishment? This seems to me to be a case of the fox guarding the henhouse. As well, the proposed punishment appears to be that if Microsoft is found to be in violation again then they will be in the position of being watched for an additional period of time. This is no punishment at all.

As far as Microsoft opening their protocols, etc., entirely too much leeway is given to Microsoft in how, where, when, and to whom it will document said protocols. If they are allowed to determine the criteria then they will do what serves their own interest which has proven in court to be illegal.

If breaking Microsoft up is no longer a consideration, although I feel it would be an equitable remedy, then they should be forced to document all networking and application protocols and file formats so that people can create alternatives and thereby introduce competition into the Information Technology realm.

Thank you.

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